

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services-Fisheries Dept.-Sri V.Surayanarsayana ,Executive Engineer, Andhra Pradesh Fisheries Corporation on deputation in the O/o Commissioner of Fisheries –Suspension orders-Issued

Animal Husbandry Dairy Development & Fisheries(VS) Department

G.O.Ms.No. 122

Dated: 17-12-2008

Read the following:-

- 1) G.O.Ms.No.174-AH dated: 1.11.1994
- 2) G.O.Ms.No.153-AH dated: 8.12.1995
- 3) G.O.Ms.No.116-AH dated: 28.10.1998
- 4) Judgment of the HC of A.P. in W.P.No.18885,18886 and 19551/2001 dated:12.10.2001
- 5) Interim orders of the S.C of India dated: 18.1.2001 in SLP No.166-168/2002
- 6) G.O.Ms.No.94-AH dated: 10.8.2002
- 7) G.O.Ms.No.95-AH dated: 10.8.2002
- 8) G.O.Ms.No.96-AH dated: 10.8.2002
- 9) Judgment of A.P.HC in W.P.No.15266/2002 dated: 28.1.2003
- 10) G.O.Ms.No.26-AH dated: 27.3.2003
- 11) Judgement of the Division Bench, A.P.HC W.P.No.14924/2003 dated: 12.8.2003
- 12) Govt.Memo.No.1678/VS/2006 dated: 30.4.2007
- 13) G.O.Ms.No.89-Edn dated:1.11.2007
- 14) From the Commissioner of Fisheries Lr.No.8454/A1/2008 dated:12.12.2008
- 15) From the Deputy Superintendent of Police Anti Corruption Bureau, Radio Message dated:14.12.2007
- 16) From the Director General, Anti Corruption Bureau Automex Message Rc.No.306/RCA-REG/2008 dated:17.12.2008

ORDER:.

Sri V.Suryanarayana, Executive Engineer originally belongs to Andhra Pradesh Fisheries Corporation was appointed on deputation in Government service in the G.O's first and second read above. In the G.O. third read above, Government. repatriated him to the Andhra Pradesh Fisheries Corporation in view of the winding up of the Andhra Pradesh Fisheries Corporation so that the individual can opt for Voluntary Retirement Scheme. The individual approached the Andhra Pradesh High Court and the High Court finally disposed of the W.P's and dismissed the WP's in the reference fourth read above. Against the said judgment of the Andhra Pradesh High Court, Sri V.Suryanarayana filed S.L.P.No.166-168/2002 and Supreme Court of India passed status quo orders in the reference fifth read above. The Supreme Court of India on 10.11.2008 dismissed the petition filed by the Government for the early hearing of the said S.L.P. which was renumbered as Civil Appeal No.2605-2607/2003 and the matter is pending before the Supreme Court.

2) On a disproportionate assets case, the Government issued orders in reference 6th read above sanctioning Prosecution and the case is pending before SPE&ACB cases, Visakhapatnam. The Government also issued orders in the G.O. 7th read above, authorising the Investigating Officer of the Anti Corruption Bureau for filing application for attachment of the properties before the Court of SPE& ACB cases. In the G.O. 8th read above, the Government issued orders placing Sri V.Suryanarayana, EE under suspension. The individual filed W.P. against the said orders and continued in service basing on the interim orders of the High Court. The High Court in the judgment 9th read above dismissed the W.P. The Government issued orders in the G.O. 10th read above, suspending the individual from service under A.P.C.S.(CC&A) Rules, on the allegation of certain irregularities committed by the individual. The Andhra Pradesh High Court in their judgement 11th read above, while observing that the petitioner is an employee of the Corporation(APFC) and on deputation to the Government Service as on the relevant date

the CCA Rules will not apply and held that the Government have no jurisdiction to place the petitioner under suspension and also without jurisdiction. The Andhra Pradesh Fisheries Corporation is under creditors voluntary winding up and the Liquidator was appointed but he is not appropriate authority to suspend the employee of the corporation.

3) There are six cases pending against the individual on the allegations of irregularities committed by the individual in respect of several works and also on disproportionate assets to the known sources of his income. Therefore, the Government issued instructions in the Memo. 12th read above, to the Commissioner of Fisheries requesting him not to entrust any further works to the Executive Engineer of what so ever nature (plan/Non-plan, maintenance and capital etc.) till further orders. It was also ordered that Sri V.Suryanarayana, Executive Engineer may be strictly prohibited to take any work without prior permission of the Government and this includes E.S.I. and other departmental works. The Government also requested the Commissioner of Fisheries, not to delegate any financial powers to Sri V.Suryanarayana, Executive Engineer. In spite of these orders from Government, the Commissioner of Fisheries in the letter 14th read above reported that Sri V. Surayanarayana, Executive Engineer made direct correspondence with Education Department for allotment of Engineering works to him. The Education Department in the G.O.13th read above, entrusted the work relating to construction, repairs to the buildings of City Grandhalaya Samstha, Hyderabad to the Fisheries Department. An amount of Rs.2.00 crores was released by the Education Department and the said amount was accepted by Sri V.Suryanarayana without the knowledge or prior permission either from the Commissioner of Fisheries or Government. On the direction from the Government Sri V.Suryanarayana returned an amount of Rs.1,18,45,000/- to the City Grandhalaya Samstha duly stating that he has incurred an expenditure of Rs.81.55 lakhs for the Civil works of the said Samstha and the individual has not furnished any details of the expenditure. The matter was entrusted to the Director General,(Vigilance and Enforcement) Department on 11.12.2008 for detailed investigation and submit report to the Government.

4) The Commissioner of Fisheries in his letter 14th read above reported that though the instructions of the Government issued in reference 12th read above were communicated to the Executive Engineer not to take up any further works with effect from May 1st, 2007, the Executive Engineer had been directly writing to various Departments/Agencies/Authorities asking/ requesting for new works in blatant violation of the Government instructions. The Commissioner further reported that Sri V.Surayanarayana, Executive Engineer in his reply admitted his lapse while submitting the proposals to the Hon'ble Minister for Sarvasiksha Abhiyan without prior approval of the Commissioner of Fisheries and requested to condone the same and assured that he will not repeat such mistakes. The Commissioner of Fisheries also reported that the Executive Engineer opened Bank Account to deposit the amount sanctioned by Education department without prior permission from the Government or without specific authorisation from the Commissioner of Fisheries. The Commissioner also reported that the Executive Engineer deserves immediate disciplinary action pending detailed enquiry as previous efforts to keep him off from new works while allowing him to continue in service have failed as he continues to indulge in administrative lapses which are malafide & serious and have serious financial repercussions and also causing serious embarrassment and bringing disrepute to the Department.

5) In the Radio Message 15th read above, the Deputy Superintendent of Police, Anti Corruption Bureau reported that the officials of the Anti Corruption Bureau raided the residence of Sri V.Suryanarayana and his close relatives and reported that huge amount of more than Rs. 3.00 crores was estimated as disproportionate assets to the known sources of his income. The Deputy Superintendent of Police, Anti Corruption Bureau also reported that Sri V.Suryanarayana was under judicial custody from 13.12.2008

6) Thus, it is evident that Sri V.Surayanarayana, Executive Engineer misused his official position in getting the works from other departments violating the specific orders of Government,prohibiting him to take up works and without the knowledge of

Government or Commissioner of Fisheries and reportedly acquired huge assets. The individual is drawing salary from the Government exchequer and there is relationship of master and servant between the Government and the individual though he is not a civil servant coming within the purview of APCS(CC&A) Rules, 1991. As such the Govt. is having inherent powers to place the individual under suspension pending enquiry even without reference to the APCS(CC&A) Rules. The Government are of the opinion that any further continuance of the individual in service may further give scope to the individual to misuse his official position as well as public funds.

7) In view of the aforesaid circumstances, the Government consider that it is a fit case to place the officer under suspension in public interest. Accordingly, the Government hereby place Sri V.Surayanarayana, Executive Engineer, Andhra Pradesh Fisheries Corporation, presently working on deputation in O/o Commissioner of Fisheries under suspension in public interest pending investigation by the Anti Corruption Bureau as well as enquiry by the Director General, (Vigilance & Enforcement), until further orders.

8) It is further ordered that during the period of suspension, ordered above Sri V.Surayanarayana, Executive Engineer O/o Commissioner of Fisheries shall not leave the headquarters without prior permission of the Government.

9) The Commissioner of Fisheries is requested to draw and disburse the suspension/subsistence allowance to the individual as per rules in force.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. PRIYADARSHI DASH
SPL.CHIEF SECRETARY TO GOVT.

To

The Sri V.Surayanarayana, Executive Engineer through the Commissioner of Fisheries
A.P. Hyderabad.

The Commissioner of Fisheries., A.P. Hyderabad.

The Director General., Anti Corruption Bureau, A.P. Hyderabad.

The Andhra Pradesh Vigilance Commission, A.P. Hyderabad.

The Director General, Vigilance and Enforcement, A.P. Hyderabad.

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER